

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC GARCIA,

Plaintiff

v.

DR. REESE, *et al.*,

Defendants

Case No. 2:23-cv-01023-APG-DJA

ORDER

I. DISCUSSION

In response to this Court's earlier order, Plaintiff Eric Garcia, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), filed a nearly complete application to proceed *in forma pauperis*. (ECF Nos. 7, 8). However, Plaintiff's application to proceed *in forma pauperis* is still incomplete. (ECF No. 8). Plaintiff has not submitted an application to proceed *in forma pauperis* with a signed penalty of perjury page (page 3 of the application). (See *id.* at 3). The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct this deficiency **by November 15, 2023**.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
2 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
4 See 28 U.S.C. § 1915(b).

5 **II. CONCLUSION**

6 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.
7 8) is denied without prejudice.

8 It is further ordered that Plaintiff has **until November 15, 2023**, to either pay the
9 full \$402 filing fee or refile his application to proceed *in forma pauperis* with his signature
10 on the penalty of perjury page.

11 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
13 to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is directed to send Plaintiff a copy of his application to
16 proceed *in forma pauperis* (ECF No. 8). Plaintiff may sign page 3 of the application and
17 refile the application with the Court.

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19 DATED: October 17, 2023

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22 _____
23 UNITED STATES MAGISTRATE JUDGE
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